

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SCOTT PISTONE,

Plaintiff,

v.

No. 13-cv-0920 MV/SMV

**STATE OF NEW MEXICO
PUBLIC DEFENDER DEPARTMENT and
T. DAVID EISENBERG,**

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff's counsel, Michael E. Lash, has failed to serve initial disclosures in accordance with this Court's Amended Initial Scheduling Order [Doc. 29] ("Amended ISO") and Fed. R. Civ. P. 26(a)(1). For the reasons stated herein, Michael E. Lash is ordered to show cause why he should not be sanctioned for his failure to serve initial disclosures.

On August 29, 2014, the Court entered an Amended ISO.¹ [Doc. 29]. The Amended ISO directed the parties to meet and confer no later than September 22, 2014, and to serve initial disclosures within fourteen days of the meet-and-confer session. *Id.* at 1–2. The parties met and conferred telephonically on September 17, 2014; Michael E. Lash attended on behalf of Plaintiff and Mark D. Standridge attended for Defendants. [Doc. 30] at 1. Thus, the parties were required to serve initial disclosures on or before October 1, 2014.

¹ At that time, the Honorable Robert Hayes Scott, United States Magistrate Judge, was the pretrial judge. The case has since transferred to the undersigned as pretrial judge. *See* [Doc. 37].

The CM/ECF receipt indicates that the Amended ISO was delivered to Plaintiff's counsel, Michael E. Lash, via email. Moreover, Plaintiff's counsel appears to have received the Amended ISO because he met and conferred with Defendants' counsel and completed his portion of the Joint Status Report and Provisional Discovery Plan as required by the Amended ISO. *See* [Doc. 30]. However, nothing on the Court's docket indicates that Plaintiff completed his initial disclosures on or before October 1, 2014, or since.

IT IS THEREFORE ORDERED that no later than **January 30, 2015**, attorney Michael E. Lash shall show cause, in writing, why he should not be sanctioned for his failure to serve Plaintiff's initial disclosures in accordance with the Court's Amended ISO [Doc. 29].

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge